IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 766 of 2006 (S/S)

1. Shashi Pal
   S/o Karan Singh
2. Bharat Veer Singh
   S/o Sri Nand Ram

……. Petitioners

Versus

1. Commissioner Garhwal Division, Pauri.
2. District Magistrate, Haridwar.
3. Sub Divisional Magistrate, Roorkee.
4. Tehsildar,
   Tehsil Roorkee, District Haridwar.

……. Respondents

Mr. Alok Mehra, Advocate holding brief of Mr. Manoj Tiwari, learned counsel for the petitioners.
Mr. N.P. Sah, learned Standing Counsel for the State.

Hon'ble Prafulla C. Pant, J.

Learned counsel for the parties are present.

2) By means of this petition, the petitioners, who are Seasonal Collection Amins, with the Revenue Department of the State, have sought their regularisation in service.

3) Learned counsel for the petitioners states that under the U.P. Collection Amins Service Rules, 1974, (applicable to the State of Uttaranchal) the Government has power to create additional and temporary vacancies, and petitioners are entitled to be regularized under said Rules. It is further submitted that vide Government Order dated 9th June 2006, the Government has created creation posts of Collection

Amins and Collection Peons, in various hill districts of Uttaranchal.

4) In view of the principle of law laid down in ***Secretary State of Karnataka Vs. Uma Devi, reported in (2006) 4 Supreme Court Cases Page 01,*** that employees engaged on contract basis, on daily wages or the persons employed without undergoing regular selection process under the rules, should not be permitted to be absorbed or regularized in the service, against the Constitutional Scheme of public employment, this Court is not inclined to issue direction to regularise services of the petitioners.

5) The writ petition is dismissed with the observation that the petitioners may make representation to the authority concerned, if their cases are covered under any Rules, or Government Order. Interim order dated 15.06.2006, stands vacated. (All pending applications in this Petition also stand disposed of).

(Prafulla C. Pant, J.)

Dt.: December 01, 2006
H.Negi